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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RICHARD BELDON WATERS III,  
  
Defendant.

CASE NO. 2:20-MJ-0174-KJN

STIPULATION FOR EXTENSION OF TIME FOR  
PRELIMINARY HEARING PURSUANT TO RULE  
5.1(D) AND EXCLUSION OF TIME AND  
[PROPOSED] FINDINGS AND ORDER

DATE: May 28, 2021  
TIME: 2:00 p.m.  
COURT: Hon. Allison Claire

Plaintiff United States of America, by and through its attorney of record, Special Assistant U.S. Attorney ROBERT J. ARTUZ, and Defendant RICHARD BELDON WATERS III, both individually and by and through his counsel of record, JENNIFER MOUZIS, hereby stipulate as follows:

1. The Complaint in this case was filed on November 6, 2020, charging Waters with one count of conspiracy to commit offenses against the United States, in violation of 18 U.S.C. § 371. Waters first appeared before a judicial officer of the Northern District of California on or about December 17, 2020, and was detained. He then first appeared in this district on April 13, 2021, where the Complaint is pending. The Court set a preliminary hearing date of April 27, 2021. ECF 21. By stipulation and Court order, the preliminary hearing date was continued to May 28, 2021.

By this stipulation, the parties jointly move for a second extension of time of the preliminary hearing date to July 16, 2021, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the

1 defense reasonable time for preparation, and for the government's collection and production of  
2 discovery and continuing investigation of the case. For example, the government has produced  
3 discovery relevant to this case, including over 1,000 pages of law enforcement reports, bank records,  
4 photographs, and criminal histories. The government also anticipates producing multiple gigabytes of  
5 documents from at least one data extraction of one of the defendant's (or his co-defendant's)  
6 smartphones, which is currently available to defense counsel for inspection. Defense counsel needs time  
7 to review and consider all the evidence and to conduct further investigation. The parties further agree  
8 that the interests of justice served by granting this continuance outweigh the best interests of the public  
9 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

10 2. The parties agree that good cause exists for the extension of time, and that the extension  
11 of time would not adversely affect the public interest in the prompt disposition of criminal cases.  
12 Therefore, the parties request that the time between May 28, 2021, and July 16, 2021, be excluded  
13 pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

14 IT IS SO STIPULATED.

15 Dated: May 26, 2021

16 PHILLIP A. TALBERT  
Acting United States Attorney

17  
18 /s/ ROBERT J. ARTUZ  
ROBERT J. ARTUZ  
Special Assistant U.S. Attorney

19  
20 Dated: May 26, 2021

21 /s/ Jennifer Mouzis  
JENNIFER MOUZIS  
Counsel for Defendant  
22 RICHARD BELDON WATERS III  
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~~PROPOSED~~ FINDINGS AND ORDER  
EXTENDING TIME FOR PRELIMINARY  
HEARING PURSUANT TO RULE 5.1(d) AND  
EXCLUDING TIME

DATE: May 28, 2021  
TIME: 2:00 p.m.  
COURT: Hon. Allison Claire

The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter on May 26, 2021. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:


1. The date of the preliminary hearing is extended to July 16, 2021, at 2:00 p.m.

1           2.       The time between May 28, 2021, and July 16, 2021, shall be excluded from calculation  
2 pursuant to 18 U.S.C. § 3161(h)(7)(A).

3           3.       Defendants shall appear at that date and time before the Magistrate Judge on duty.  
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5           IT IS SO ORDERED.

6           Dated: May 26, 2021  
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THE HONORABLE JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE